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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,430	12/14/2001	Shigeki Kuroda	35.C16053 US	3749

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,430

Applicant(s)

KURODA, SHIGEKI

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,10,11,13-15,17,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,10,11,13-15,17,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/14/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2625

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 7/14/06.
- Claims 1, 3-5, 7-8, 10-11, 13-15, 17-18, and 20 are pending; claims 2, 6, 9, 12, 16, 19 have been withdrawn.
- IDS filed on 7/14/06 have been reviewed and considered by the examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/14/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al (EP 0729118A2) in view of Kondo et al (US 6421523) further in view of Konishi et al (US 20020085870).

Regarding claims 1, 5, and 10, Stone discloses an information processing apparatus (fig. 2) comprising layout means for setting a print layout of the document data (col. 4, lines 36-44); print instruction means for instructing executing of printing (col. 4, lines 43-44); spooling means for spooling the document data as intermediate data of a data format different from that of the document data (col. 4, lines 17-25) wherein said layout setting means set the print layout on a print setting menu screen of the print driver

Art Unit: 2625

(col. 5, lines 10-42), wherein said layout setting means sets the number of logical pages to be allocated to one physical sheet and a layout of the logical pages on the physical sheet (col. 4, lines 32-38).

Stone does not disclose the information processing apparatus provided with a printer driver, comprising finishing command setting means which can set a finishing command to a printer as to rotation-sort-output or offset-output document data; counting means for counting the number of physical sheets to which the document data of one copy whose output is desired is allocated; wherein said finishing command setting means sets the finishing command; wherein said finishing command setting means can set an automatic mode in which the finishing command is left to decision of the printer driver; wherein when automatic mode is set finishing means command setting means disables the finishing command if the counting by said counting means shows that the document data of one of copy is printed onto one physical sheet, such that the rotation sort output or the offset output is not performed and enables the finishing command if the counting by said counting means shows that the document data of one copy is printed onto two or more sheet, such that the rotation sort output or offset output is performed.

Kondo, in the same field of endeavor for printing, teaches the information processing apparatus provided with a printer driver, comprising finishing command setting means which can set a finishing command to a printer as to rotation-sort-output or offset-output document data (fig. 11b-12, col. 13, lines 17-24); counting means for counting the number of physical sheets to which the document data of one copy whose output is desired is allocated (fig. 11b-12, col. 13, lines 17-24); wherein said finishing command setting means set the finishing command (fig. 11b-12, col. 13, lines 17-24); wherein said finishing command setting means can set an automatic mode in which the finishing command is left to decision of the printer driver (fig. 11b-12, col. 13, lines 17-24), wherein when automatic mode is set said finishing means command setting means disables the finishing command if the counting by said counting means shows that the document data of one copy is printed onto one physical sheet, such that the rotation sort output or the offset output is not performed and enables the finishing command if the counting by said counting means shows that the document data of one copy is printed

Art Unit: 2625

onto two or more sheet, such that the rotation sort output or offset output is performed (fig. 11b-12, col. 13, lines 17-24).

The motivation for doing so would have been to have the information processing apparatus capable of suspending a shifting function of sheet when the sorting function is turned on as taught by Kondo (col. 1, line 35).

The combination of Stone and Kondo fail to teach and/or suggest a selection of mode from plurality of modes (enable mode, disable mode, and automatic mode).

Konishi, in the same field of endeavor for printing, teaches a well-known example of selection of mode from plurality of modes (fig. 6-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Stone's information processing apparatus to include a selection method (i.e. selecting a mode from plurality modes) as taught by Konishi wherein if a selected mode is failed, an alternate mode can be used, thereby, operating efficiency is improved.

Therefore, it would have been obvious to combine Stone and Kondo with Konishi to obtain the invention as specified in claim 1.

Regarding claims 3 & 7, Stone further discloses an apparatus according to claim 1, wherein said counting means executes the counting (fig. 7c) on the basis of said intermediate data spooled by said spooling means.

Regarding claims 4 & 8, Stone further discloses an apparatus comprising intermediate data page editing means (col. 4, lines 36-38) for making a layout print control of said intermediate data on the basis of the number counted by said counting means and print layout set by said layout setting means; intermediate data output means (col. 4, lines 19-25) for output means for outputting said edited intermediate data; and print data generating means for generating print data from said outputted intermediate data (col. 4, lines 29-25).

Art Unit: 2625

Claims 11, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al (EP 0729118A2) in view of Kondo et al (US 6421523) further in view of Kremers et al (US 50077625).

Regarding claims 11, 15, and 20, Stone discloses an information processing apparatus provided with a printer driver, comprising layout settings means for setting a print layout of the document data (col. 4, lines 36-44), wherein said layout setting step means set the number of logical pages on the physical sheet (fig. 3, col. 4, lines 32-38); a user interface provided by the printer driver on which a user activates said layout setting means to set the print layout (fig. 1).

Stone does not disclose the information processing apparatus comprising having finishing command setting means which can set a finishing command to a printer driver so as to rotation-sort-output or offset-output document; a user interface menu screen, provided by the printer driver, on which a user activates said finishing command setting means to set the finishing command; counting means for counting the number of physical sheets to which the document data of one copy whose output is desired is allocated, wherein said finishing command setting means can set the finishing command in an enable state or in a disables state, wherein when the finishing command is set in a the enable state and the counting by said counting means shows that the document data of one of copy is printed onto one physical sheet, said finishing command setting means changes the finishing command from the enables state to the disabled state.

Kondo discloses the information processing apparatus comprising having finishing command setting means via menu screen user interface (fig. 10) which can set a finishing command to a printer so as to rotation-sort-output or offset-output document data (fig. 11b-12, col. 13, lines 17-24); counting means for counting the number of physical sheets to which the document data of one copy whose output is desired is allocated (fig. 11b-12, col. 13, lines 17-24); wherein said finishing command setting means can set the finishing command in an enable state or in a disable state, wherein when the finishing command is set in a the enable state and the counting by said counting means shows that the document data of one copy is printed onto one physical sheet, said

Art Unit: 2625

finishing command setting means changes the finishing command from the enables state to the disabled state (fig. 11b-12, col. 13, lines 17-24).

It would have been obvious at the time of the invention for one skilled in the art to combine Stone with Kondo because they are in the same field of endeavor for information processing apparatus. The motivation for doing so would have been to have the information processing apparatus capable of suspending a shifting function of sheet when the sorting function is turned on (Kondo, col. 1, line 35).

Kremers discloses a user interface, provided by the printer driver menu screen, on which a user activates said finishing command setting means to set the finishing command (col. 8, lines 1-5).

It would have been obvious at the time of the invention for one skilled in the art to combine Stone with Kremer that would have been to give the user the capability of determining if sheets are offset. Therefore, it would have been obvious to combine Stone, Kondo, and Kremer to obtain the invention as specified in claims 11, 15, and 20.

Regarding claims 13 & 17, Stone further discloses an apparatus further comprising: printing instructing means (col. 4, lines 43-44) for instructing execution of printing; and spooling means (col. 4, lines 36-38) for spooling said document data as intermediate data of a data format different from that of said document data, and wherein said counting means executes the counting on the basis of said intermediate data spooled by said spooling means.

Regarding claims 14 & 18, Stone further discloses an apparatus comprising: Intermediate data page editing means (col. 4, lines 36-38) for making a layout print control of said intermediate data on the basis of the number counted by said counting means and print layout set by said layout setting means; intermediate data output means (col. 4, lines 19-25) for output means for outputting said edited intermediate data; and print data generating means for generating print data from said outputted intermediate data (col. 4, lines 29-25).

Art Unit: 2625

Response to Arguments

Applicant's arguments with respect to claims 1 & 11 have been considered but are moot in view of the new ground(s) of rejection.

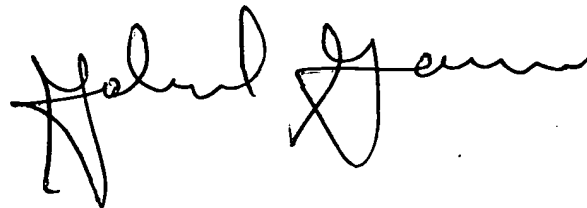
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER